

### **IC 3-11-3**

#### **Chapter 3. Distribution of Ballots and Other Supplies**

### **IC 3-11-3-1**

#### **Application of chapter**

Sec. 1. This chapter applies to each precinct.

*As added by P.L.5-1986, SEC.7.*

### **IC 3-11-3-2**

#### **Printing and distribution of ballots; number; wrapping; receipt**

Sec. 2. (a) The election division shall have printed and shall distribute to the circuit court clerk of each county at each general election the following:

(1) If only paper ballots are used, the number of state paper ballots (and presidential ballots in a presidential election year) equal to one hundred percent (100%) of the number of voters in the county.

(2) If voting machines, ballot card voting systems, or electronic voting systems are used, only the number of presidential and state paper ballots that, in the election division's judgment, are necessary to meet an emergency.

(3) The number of provisional ballots for state offices (and provisional ballots for electors for President of the United States in presidential election years) that the election division considers necessary.

(b) The paper ballots shall be wrapped in packages, plainly marked, and securely sealed.

(c) The provisional ballots shall be separately wrapped in packages from the other paper ballots, plainly marked, and securely sealed.

(d) The clerk shall give a receipt for the paper ballots and the provisional ballots.

*As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.211; P.L.2-1996, SEC.134; P.L.3-1997, SEC.265; P.L.126-2002, SEC.39; P.L.14-2004, SEC.100.*

### **IC 3-11-3-3**

#### **Ballots for precincts where voting machines not sufficient to register all votes**

Sec. 3. (a) If, in the judgment of a county election board, the number of voters in a precinct of the county where a voting machine is used for voting is so large that the machine in use will not be sufficient to register the vote of all the voters in the precinct, the board may use paper ballots in addition to the machine. The voting by paper ballot is subject to all the restrictions prescribed by this article.

(b) The county election board shall then notify the election division of the board's determination and of the estimated number of state and presidential ballots that will be required in the precinct.

*As added by P.L.5-1986, SEC.7. Amended by P.L.2-1996, SEC.135;*

*P.L.3-1997, SEC.266.*

#### **IC 3-11-3-4**

##### **Seal for ballots; design; restriction on use**

Sec. 4. The election division shall provide a seal for the ballots. The seal may be of a design considered proper by the election division, but the same design may not be used for two (2) consecutive elections.

*As added by P.L.5-1986, SEC.7. Amended by P.L.2-1996, SEC.136; P.L.3-1997, SEC.267.*

#### **IC 3-11-3-5 Repealed**

*(Repealed by P.L.5-1989, SEC.120.)*

#### **IC 3-11-3-6**

##### **Delivery of ballots**

Sec. 6. (a) The election division shall deliver:

- (1) the state and presidential paper ballots; and
- (2) after December 31, 2003, the provisional ballots for state offices and presidential provisional ballots;

by certified mail, or by another means of delivery that includes a return receipt.

(b) The election division shall mail the paper and provisional ballots to:

- (1) each circuit court clerk; or
- (2) in a county subject to IC 3-6-5.2, the director of the board of elections and registration.

*As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.212; P.L.2-1996, SEC.137; P.L.3-1997, SEC.268; P.L.38-1999, SEC.35; P.L.176-1999, SEC.66; P.L.126-2002, SEC.40.*

#### **IC 3-11-3-7**

##### **Repealed**

*(Repealed by P.L.38-1999, SEC.73.)*

#### **IC 3-11-3-8**

##### **Repealed**

*(Repealed by P.L.3-1997, SEC.475.)*

#### **IC 3-11-3-9**

##### **Repealed**

*(Repealed by P.L.38-1999, SEC.73.)*

#### **IC 3-11-3-10**

##### **Receipt of ballots and other supplies by inspector or member of precinct election board**

Sec. 10. The inspector of each precinct, or another member of the precinct election board authorized in writing by the inspector, shall appear at the office of the county election board of the inspector's county on the second or third day before election day to receive

ballots and other supplies.  
*As added by P.L.5-1986, SEC.7.*

### **IC 3-11-3-11**

#### **Delivery of ballots and ballot supplies**

Sec. 11. The county election board shall deliver the following to each inspector or the inspector's representative:

- (1) The sealed package of paper ballots, provisional ballots, sample ballots, and any other supplies provided for the inspector's precinct by the election division.
- (2) The local sample ballots, the ballot labels, if any, and all poll lists, registration lists, and other supplies considered necessary to conduct the election in the inspector's precinct.
- (3) The local ballots printed under the direction of the county election board as follows:
  - (A) The number of ballots equal to one hundred percent (100%) of the number of voters in the inspector's precinct, according to the poll list.
  - (B) In those precincts where voting machines, ballot card systems, or electronic voting systems are to be used, the number of paper ballots that will be required for emergency purposes only.
  - (C) Provisional ballots in the number considered necessary by the county election board.
- (4) Twenty (20) ink pens suitable for printing the names of write-in candidates on the ballot or ballot envelope.
- (5) Copies of the voter's bill of rights for posting as required by 42 U.S.C. 15482.
- (6) Copies of the instructions for a provisional voter required by 42 U.S.C. 15482. The county election board shall provide at least the number of copies of the instructions as the number of provisional ballots provided under subdivision (3).

*As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.214; P.L.4-1991, SEC.63; P.L.2-1996, SEC.139; P.L.3-1997, SEC.270; P.L.126-2002, SEC.41; P.L.209-2003, SEC.105.*

### **IC 3-11-3-12**

#### **Packaging of local ballots; attestation by circuit court clerk; inspector's receipt; packages not to be opened**

Sec. 12. (a) The local ballots delivered to the inspector of each precinct under section 11 of this chapter shall be placed in a strong and stout paper envelope or bag, which shall then be tightly closed, fastened securely, and attested by the initials of the circuit court clerk or the clerk's designee in the presence of the inspector or the inspector's representative. The inspector shall sign a receipt for the ballots. The ballot packages may not be opened until:

- (1) they have been delivered to the precinct election board to which they are directed; and
- (2) the precinct election board is fully organized and ready for the reception of votes.

(b) The local provisional ballots delivered to the inspector of each precinct under section 11 of this chapter shall be placed in a strong and stout paper envelope or bag, separate from the bag described in subsection (a), which shall then be tightly closed, fastened securely, and attested by the initials of the circuit court clerk or the clerk's designee in the presence of the inspector or the inspector's representative. The inspector shall sign a receipt for the provisional ballots. The provisional ballot packages may not be opened until:

- (1) they have been delivered to the precinct election board to which they are directed; and
- (2) the precinct election board is fully organized and ready to receive votes.

*As added by P.L. 5-1986, SEC. 7. Amended by P.L. 126-2002, SEC. 42.*

### **IC 3-11-3-13**

#### **Dispatch of special messenger to pick up ballots on failure of inspector; report to county election board**

Sec. 13. If an inspector (or the inspector's representative) fails to appear at the office of the circuit court clerk by the close of the second day before election day, the county election board shall immediately dispatch a special messenger to the inspector's precinct with the ballots for the precinct. After delivering the ballots, the messenger shall promptly report to the county election board and file with it:

- (1) the receipt of the person to whom the messenger delivered the ballots; and
- (2) the messenger's affidavit stating when and to whom the messenger delivered the ballots.

*As added by P.L. 5-1986, SEC. 7.*

### **IC 3-11-3-14**

#### **Messenger's compensation and mileage allowance**

Sec. 14. If a county election board dispatches a messenger under section 13 of this chapter, the messenger is entitled to receive:

- (1) two dollars (\$2) for time; and
- (2) a mileage allowance at a rate determined by the county fiscal body for the distance necessarily traveled.

*As added by P.L. 5-1986, SEC. 7. Amended by P.L. 10-1997, SEC. 3.*

### **IC 3-11-3-15**

#### **Failure of inspector to appear at circuit court clerk's office under IC 3-11-3-10**

Sec. 15. If an inspector fails to appear at the office of the circuit court clerk under section 10 of this chapter, the inspector is not entitled to compensation for services at the election.

*As added by P.L. 5-1986, SEC. 7.*

### **IC 3-11-3-16**

#### **Poll lists; voter registration lists; preparation; delivery to inspectors**

Sec. 16. (a) This subsection applies before January 1, 2006. Each county election board shall prepare and have delivered to the inspectors of the precincts, at the time they receive the ballots for their precincts, a suitable number of blank poll list sheets and any other forms, papers, certificates, and oaths that are required to be furnished to precinct election boards. The forms and papers must have proper captions. The county voter registration office shall cooperate with the county election board in the preparation of the poll lists.

(b) This subsection applies after December 31, 2005. Each county election board shall prepare and have delivered to the inspectors of the precincts, at the time they receive the ballots for their precincts, a suitable number of voter registration lists certified under IC 3-7-29 and any other forms, papers, certificates, and oaths that are required to be furnished to precinct election boards. The forms and papers must be prepared in compliance with IC 3-5-4-8. The county voter registration office shall cooperate with the county election board in the preparation of the lists certified under IC 3-7-29.

*As added by P.L.5-1986, SEC.7. Amended by P.L.209-2003, SEC.106.*

### **IC 3-11-3-17**

#### **Poll list; form; dimensions and content; expiration of section**

Sec. 17. (a) This section does not apply to a county with a computerized registration system that has furnished the inspector of a precinct with certified copies of the list of registered voters prepared under IC 3-7-29.

(b) The county election board shall prepare the poll lists in looseleaf sheet form or book form. The sheets must have adequate space and lines on each side for taking the signatures and addresses of the voters. The sheets may contain the names and addresses of the voters in the respective precincts in alphabetical order, with a space opposite each name for the signature and address of the voter when the voter votes and any other information required by law.

(c) This section expires January 1, 2006.

*As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.215; P.L.3-1993, SEC.119; P.L.12-1995, SEC.75; P.L.209-2003, SEC.107.*

### **IC 3-11-3-18**

#### **Voters' poll list; expiration of section**

Sec. 18. (a) At the extreme top of a poll list sheet the heading "VOTERS POLL LIST" should appear, followed by the following information:

- (1) The type of election.
- (2) The date of the election.
- (3) Mail in registration requiring additional voter identification.
- (4) The name of the precinct, township (or ward), and county.

(b) Following the information required in subsection (a), the following headings should appear from left to right on each sheet:

- (1) "Signature of Voter".
- (2) "Address of Voter".
- (3) After December 31, 2005, "Address Unchanged".
- (4) "Voter Identification Number (Optional)".
- (5) "If any voter shows his or her ballot after being marked, or by accident mutilates or defaces his or her ballot, note it in this column. Also note any other irregularity in this column."

(c) After December 31, 2004, under the heading set forth in subsection (b)(3), each line of a poll list sheet must have a box so that a voter whose residence address shown on the poll list is the voter's current residence address may check the box instead of writing the voter's current residence address on the poll list.

(d) This section expires January 1, 2006.

*As added by P.L.5-1986, SEC.7. Amended by P.L.3-1995, SEC.96; P.L.199-2001, SEC.20; P.L.209-2003, SEC.108; P.L.2-2004, SEC.2.*

### **IC 3-11-3-19**

#### **Poll list; assembly after polls close; expiration of section**

Sec. 19. (a) After the polls are closed, the looseleaf poll list sheets that have been used in the precinct on election day shall be assembled and fastened together between two (2) manila tag board covers with the two (2) paper fasteners provided for that purpose. The manila tag board covers shall be punched and cut the same size as the poll list sheets.

(b) This section expires January 1, 2006.

*As added by P.L.5-1986, SEC.7. Amended by P.L.209-2003, SEC.109.*

### **IC 3-11-3-20**

#### **Voters' poll list cover**

Sec. 20. On the front cover of the bound looseleaf poll list sheets or the book form poll lists the following should be printed:

- (1) The heading: "VOTERS' POLL LIST COVER".
- (2) A notice to the inspector that after the polls are closed the poll list that has been used in the precinct on election day should be assembled and enclosed in a separate envelope provided for that purpose and delivered to the clerk of the circuit court of the county in which the election is held with the other election returns as provided in this title.
- (3) The signatures of the inspector, judges, and clerks of the election board, certifying the following:
  - (A) That the signatures shown in the list is the record of the voters' poll list.
  - (B) The type of election.
  - (C) The date of the election.

*As added by P.L.5-1986, SEC.7. Amended by P.L.3-1995, SEC.97; P.L.4-1996, SEC.64.*

### **IC 3-11-3-21**

#### **Poll list; looseleaf sheets and book form part of election supplies**

Sec. 21. (a) The looseleaf poll list sheets, the book form poll lists, and the covers required by sections 17 and 19 of this chapter are a part of the election supplies.

(b) This section expires January 1, 2006.

*As added by P.L.5-1986, SEC.7. Amended by P.L.209-2003, SEC.110.*

### **IC 3-11-3-22**

#### **Instruction cards; write-in voting notice cards; printing and delivery**

Sec. 22. (a) Each county election board shall have printed in at least 14 point type on cards in English, braille, and any other language that the board considers necessary, the following:

- (1) Instructions for the guidance of voters in preparing their ballots.
- (2) Instructions explaining the procedure for write-in voting.
- (3) Write-in voting notice cards that must be posted in each precinct that utilizes a voting machine or ballot card voting system that does not permit write-in voting. The notice cards must direct voters who want to cast write-in votes to request a write-in ballot from an election official.

(b) The board shall furnish the number of cards it determines to be adequate for each precinct to the inspector at the same time the board delivers the ballots for the precinct and shall furnish a magnifier upon request to a voter who requests a magnifier to read the cards.

*As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.216; P.L.4-1991, SEC.64; P.L.3-1993, SEC.120.*

### **IC 3-11-3-23**

#### **Instruction cards; contents**

Sec. 23. (a) The cards required by section 22 of this chapter must contain instructions to the voters as to what must be done to:

- (1) obtain ballots for voting;
- (2) prepare ballots for voting; and
- (3) obtain a new ballot in place of one accidentally defaced, mutilated, or spoiled.

(b) The cards must contain, in underlined type, the following:

- (1) That it is a crime to violate Indiana election laws.
- (2) That the voter should examine the ballot to determine if it contains the initials of the poll clerks in ink on the back of the ballot.
- (3) That the voter should examine the ballot to determine if the ballot has any mark (other than the initials of the poll clerks) before voting.
- (4) That the voter should not make any mark on the ballot except a voting mark in the manner provided by IC 3-12-1 because a mark other than a voting mark may void the ballot.
- (5) That the voter should return the ballot to the poll clerks and request another ballot if:

(A) the poll clerks' initials have not been properly placed on the ballot;

(B) the ballot has a mark (other than the initials of the poll clerks) before the voter places a voting mark on the ballot; or

(C) the voter has improperly marked the ballot.

(c) The cards must also set out copies of IC 3-14-2-16, IC 3-14-2-17, IC 3-14-3-10, IC 3-14-3-13, IC 3-14-3-15, IC 3-14-3-16, and IC 3-14-4-9.

*As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.217.*

#### **IC 3-11-3-24**

##### **Instruction cards; posting**

Sec. 24. The inspector of each precinct shall have the cards required by section 22 of this chapter posted as follows:

(1) One (1) of each card in each place or compartment provided for the preparation of ballots.

(2) One (1) of each card at or close to the outer end of the chute.

(3) At least three (3) of each card in and about the polls.

*As added by P.L.5-1986, SEC.7. Amended by P.L.69-2003, SEC.3.*

#### **IC 3-11-3-25**

##### **Sample ballots; posting**

Sec. 25. As required by 42 U.S.C. 15482, the inspector of each precinct shall post the samples of each of the state and local ballots provided by the county election board under this article in and about the polls. The sample ballots shall be printed on different paper than the genuine ballots.

*As added by P.L.5-1986, SEC.7. Amended by P.L.10-1988, SEC.102; P.L.209-2003, SEC.111.*

#### **IC 3-11-3-26**

##### **Loss or destruction of ballots delivered to county election board; report; affidavit of circumstances; resupply**

Sec. 26. If by accident or casualty the ballots delivered to a county election board, circuit court clerk, inspector, or other messenger are lost or destroyed, the person in custody of the ballots shall report the loss at once to the election board from which the ballots were obtained. The person in custody of the ballots shall make an affidavit of the circumstances of the loss, and the election board from which the ballots were obtained immediately shall resupply the person.

*As added by P.L.5-1986, SEC.7.*

#### **IC 3-11-3-27**

##### **Failure or refusal to report and make proof of loss of ballots**

Sec. 27. If the person in custody of the ballots fails or refuses to report and make proof of the loss as required by section 26 of this chapter, then any voter may do so. Upon such a report the election board from which the ballots were obtained immediately shall send a new supply of ballots by special messenger, as provided in other

cases.

*As added by P.L.5-1986, SEC.7.*

### **IC 3-11-3-28**

#### **Securing ballots or other means of voting when none available**

Sec. 28. If for any reason there are no ballots or other necessary means for voting at the opening of the polls, the precinct election board shall secure them as quickly as possible. If necessary, the board may have ballots printed. However, the ballots must conform as nearly as possible to the official ballots. The printing and the care of the ballots are governed by the same provisions and penalties as the printing and care of the other ballots prescribed by this article.

*As added by P.L.5-1986, SEC.7.*

### **IC 3-11-3-29**

#### **Pasters; candidates appointed after printing of ballots and before election; name change**

Sec. 29. (a) If a new candidate is appointed or selected under IC 3-13-1 or IC 3-13-2 after the printing of ballots and before the election, the election division or the election board may print ballots containing the name of the new candidate.

(b) If the election division or the election board determines that printing ballots under subsection (a) would be uneconomical or impractical, the chairman or committee that made the appointment or selection shall provide to the division or the election board the number of pasters the division or the board determines to be necessary for all ballots to reflect the appointment or selection. Pastors may not be given to or received by any person except the co-directors of the election division (or the election board and the board's chairman).

(c) If a candidate entitled to be placed on the ballot changes the candidate's legal name after the printing of ballots and before the election, the candidate who has changed the candidate's legal name shall provide to the election division or the election board the number of pasters the division or the board determines to be necessary for all ballots to reflect the change of name. If a candidate declines to do so under this subsection, the division or the board is not required to reprint ballots to reflect the change of legal name.

*As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.218; P.L.5-1989, SEC.49; P.L.4-1996, SEC.65; P.L.3-1997, SEC.271; P.L.202-1999, SEC.19.*

### **IC 3-11-3-29.5**

#### **Pasters; deceased candidates; vacancies**

Sec. 29.5. (a) The election division or an election board shall act under subsection (c) to print new ballots or have pasters made to cover the name of a candidate who has died or is no longer a candidate under IC 3-13-2-1 if:

- (1) the candidate's party does not fill the vacancy under IC 3-13-1 or IC 3-13-2 not later than noon, five (5) days before

the election; and

(2) when a candidate has died, the election division or election board:

(A) receives a certificate of death issued under IC 16-37-3 not later than noon the seventh day before the election; or

(B) by unanimous vote of the entire membership that there is good cause to believe that the candidate has died.

(b) The election division or election board shall provide the number of opaque pasters the election division or election board determines to be necessary for all ballots to reflect a vacancy to the following:

(1) The absentee voter board.

(2) The inspector of each precinct in which the candidate is on the ballot.

(3) The circuit court clerk.

(c) If the election division or election board determines that the use of pasters under this section would be impractical or uneconomical, the election division or board may order the printing of new ballots that omit the name of a candidate described in subsection (a). A ballot printed under this subsection must contain the statement "NO CANDIDATE" or "CANDIDATE DECEASED" or words to that effect at the appropriate position on the ballot.

(d) If a candidate vacancy under IC 3-13-1 or IC 3-13-2 is filled after noon five (5) days before the election, the election division or election board is not required to reprint ballots or have pasters with the name of the successor candidate placed over the name of an individual who is no longer a candidate but may do so upon the vote of the commission or election board.

*As added by P.L.4-1991, SEC.65. Amended by P.L.2-1993, SEC.31; P.L.3-1993, SEC.121; P.L.4-1996, SEC.66; P.L.3-1997, SEC.272; P.L.38-1999, SEC.36.*

### **IC 3-11-3-30**

#### **Pasters; placement on ballots**

Sec. 30. The circuit court clerk, if time permits before the ballots are delivered to the precincts, the poll clerks, or members of the absentee voter board, shall put one (1) of the pasters required by sections 29 and 29.5 of this chapter in the proper place on each ballot label bearing the name of the former candidate and on each paper ballot, provisional ballot, or ballot card to be voted in the precinct before they sign their initials on the ballot. The circuit court clerk shall put one (1) of the pasters on each ballot to be voted by an absentee voter before the clerk signs the ballot.

*As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.219; P.L.4-1991, SEC.66; P.L.3-1993, SEC.122; P.L.126-2002, SEC.43.*

### **IC 3-11-3-31**

#### **Leftover ballots; preservation; destruction**

Sec. 31. (a) Each county election board shall preserve the unused ballots that are left over after supplying the precincts, as prescribed

by section 11 of this chapter. The ballots shall be preserved until expiration of the time for filing a contest or recount petition under IC 3-12.

(b) The board shall then destroy all of the ballots, except for one (1) regular ballot and one (1) provisional ballot.

*As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.220; P.L.3-1993, SEC.123; P.L.126-2002, SEC.44.*

### **IC 3-11-3-32**

#### **Preservation of ballot in election record; entry of information**

Sec. 32. (a) The county election board shall securely paste the one (1) regular ballot that was preserved under section 31 of this chapter in the election record immediately before the provisional ballot placed under subsection (b). The board shall also enter below the ballot the number of ballots:

- (1) printed by the board;
- (2) delivered to each messenger; and
- (3) destroyed by the board.

(b) The county election board shall securely paste the one (1) provisional ballot that was preserved under section 31 of this chapter in the election record immediately after the regular ballot placed in the record under subsection (a) and immediately before the place where the vote is to be recorded. The board shall also enter below the provisional ballot the number of provisional ballots:

- (1) printed by the board;
- (2) delivered to each messenger; and
- (3) destroyed by the board.

*As added by P.L.5-1986, SEC.7. Amended by P.L.126-2002, SEC.45.*

### **IC 3-11-3-33**

#### **Provision of ballot box**

Sec. 33. Whenever a general election is held, the county election board shall provide a ballot box for each precinct.

*As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.221.*

### **IC 3-11-3-34**

#### **Ballot boxes; specifications**

Sec. 34. Each ballot box provided under section 33 of this chapter must:

- (1) have an opening in the lid sufficient only for a single ballot;
- (2) have at least two (2) locks of different kinds and combinations, so that one (1) key will not unlock the other; and
- (3) be constructed to prevent fraud.

*As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.222.*

### **IC 3-11-3-35**

#### **Paper ballots and necessary supplies; voting system malfunction**

Sec. 35. (a) This section applies to a county having a population of more than four hundred thousand (400,000), but less than seven hundred thousand (700,000).

(b) In each precinct where voting is by voting machine or electronic voting system, the county election board shall provide the following to be used if a voting machine or an electronic voting system malfunctions:

(1) The following number of paper ballots:

(A) Not less than ten (10) if the number of registered voters in the precinct is not more than three hundred (300).

(B) Not less than twenty-five (25) if the number of registered voters in the precinct is more than three hundred (300).

(2) The necessary supplies and equipment as required by IC 3-11-11.

(c) Upon notice that a voting machine or an electronic voting system is out of order or fails to work, the precinct election board shall make the paper ballots provided under subsection (b) available to voters. The precinct election board shall contact the county election board to obtain additional ballots.

(d) Upon notice that a voting machine or an electronic voting system is out of order or fails to work, the county election board shall deliver additional necessary supplies to any precinct in the county, including additional paper ballots.

*As added by P.L.10-1992, SEC.22. Amended by P.L.20-1993, SEC.1.*